

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

IDAPA 02 - DEPARTMENT OF AGRICULTURE P.O. Box 790, Boise, Idaho 83701-0790

Docket No. **02-0212-0101**, Bonded Warehouse Rules. Clarifies the following: definitions; when assessments are collected; CIFP ownership; how market value is determined; and the process by which assessments are collected. States penalties for failure to pay or late payment of assessments; and establishes formula for additional security when determined that licensee does not appear to have the ability to pay producers for commodities purchased or does not have a sufficient net worth to outstanding financial obligations ratio. Comment By: 8/22/01.

Docket No. **02-0213-0101**, Commodity Dealer's Rules. Clarifies the following: definitions; when assessments are collected; CIFP ownership; how market value is determined; and the process by which assessments are collected; states penalties for failure to pay or late payment of assessments; and establishes formula for additional security when determined that licensee does not appear to have the ability to pay producers for commodities purchased or does not have a sufficient net worth to outstanding financial obligations ratio. Comment By: 8/22/01.

Docket No. **02-0302-0101**, Soil and Plant Amendment Rules. Repeal of chapter. Comment By: 8/22/01.

Docket No. **02-0616-0101**, Rules Concerning Crop Residue Disposal. New chapter establishes definitions and general provisions for disposing crop residue through burning; determines burn or no burn days; requires registration of fields to be burned; establishes crop residue burning time frame; and authorizes the director to declare additional burn days. Comment By: 8/22/01.

Docket No. **02-0641-0101**, Rules Pertaining to the Soil and Plant Amendment Act of 2001. Authority for this rule has been transferred to the Division of Plant Industries. Incorporates by reference sections of the Soil and Plant Amendment Act of 2001; prescribes definitions not covered by the law; lists abbreviations; requires registration and provides for polyacrylamide (PAM) product registration; prescribes proper labeling; allows for certain nutrient claims on soil and plant amendment labels; provides for sampling; deficiencies; penalties and violations. Comment By: 8/22/01.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE PO Box 83720, Boise, ID 83720-0036

Docket No. **16-0305-0103**, Rules Governing Aid to the Aged, Blind and Disabled (AABD). Increases the nursing home personal needs allowance to \$40 and provides a supplement for patients whose income is less than the personal needs allowance; implements full Medicaid coverage for women screened and diagnosed for breast or cervical cancer through the Health Districts; provides for participants to request continued benefits pending a fair hearing; increases the disabled student income exclusion; adds exceptions for attributing income and resources to sponsored aliens who are battered or indigent; and provides for Medicaid coverage for inmates of ineligible institutions who are hospital inpatients. Comment By: 8/22/01.

Docket No. **16-0309-0105**, Rules Governing the Medical Assistance Program. Clarifies the criteria for determining the functional level of persons who qualify for nursing facility care; moves extensive assistance with meal preparation to the high indicator from the critical category, and moderate assistance with meal preparation is added to the medium indicator category. Comment By: 8/22/01.

Docket No. **16-0310-0101**, Rules Governing Medicaid Provider Reimbursement in Idaho. Adds legislative intent language to cap ICF/MR and special rates to contain Medicaid costs. Comment By: 8/22/01.

IDAPA 18 - DEPARTMENT OF INSURANCE PO Box 83720, Boise, ID 83720-0043

Docket No. **18-0125-0101**, Title Insurance and Title Insurance Agents and Escrow Officers. Simplifies the 3-year audit requirement for title agents providing escrow services and allows an alternative method to comply with the escrow audit requirement; brings the escrow accounting requirements applicable to title agents in line with current marketplace procedures and new technology. Comment By: 8/22/01.

Docket No. **18-0156-0101**, Rebates and Illegal Inducements to Obtaining Title Insurance Business Rules. Clarifies to whom a title agent may distribute a free listing package; changes the number of items from 4 to 6 that may be included in the free listing package; adds item (5) Tax Information and (6) Property Characteristics, with specific limitations. Comment By: 8/22/01.

IDAPA 23 - IDAHO STATE BOARD OF NURSING PO Box 83720, Boise, ID 83720-0061

Docket No. **23-0101-0101**, Rules of the Idaho Board of Nursing. Defines terms, clarifies the steps to be taken to obtain licensure, and addresses multistate discipline and license renewal. Comment By: 8/22/01.

Docket No. **23-0101-0102**, Rules of the Idaho Board of Nursing. Consolidates and renumbers existing rules; clarifies the disciplinary rules and standards of practice and rules regarding conditional or limited licensure; and adds definitions for "professionalism" and "failure to make timely inquiry". Comment By: 8/22/01.

Docket No. **23-0101-0103**, Rules of the Idaho Board of Nursing. Clarifies requirements for licensure by examination and the equivalency education requirements; eliminates out dated language regarding exam eligibility; provides for remedial measures for applicants who do not take the exam within 1 year of completion of education; and clarifies existing fee provisions. Comment By: 8/22/01.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES 1109 Main Street, Suite 220, Boise, Idaho 83702

Docket No. **24-0801-0101**, Rules of the State Board of Morticians. Increases the following fees: Funeral Director and Mortician fees to \$85; funeral establishment fee to \$125; application fee to \$100; Mortician Resident Trainee and Certificate of Authority fees to \$50; and reinstatement fee to \$250. Comment By: 8/22/01.

Docket No. **24-1101-0101**, Rules of the State Board of Podiatry. Adds provisions for administrative appeals; incorporates by reference the American Podiatric Medical Association's Code of Ethics; adds Bureau contact information and Public Records section; clarifies citizenship requirement; increases original license fee and annual renewal fee to \$300; deletes reference to oral examination; clarifies examination subjects shall consist of those subjects outlined in Section 54-606, Idaho Code; adds licensure without written examination requires the filing of a complete application and a \$200 fee. Comment By: 8/22/01.

Docket No. **24-1401-0101**, Rules of the State Board of Social Work Examiners. Adds provisions for administrative appeals and incorporation by reference; adds mailing address of the Board; updates Bureau contact and Public Records information; defines "Bureau"; increases the following fees for certified social worker, private and independent practice, and social workers: application and original license fee to \$50; temporary permit fee to \$35; endorsement and license fee to \$55; and renewal fee for certified social worker, and social worker to \$50, and certified social worker with private and independent practice to \$60. Comment By: 8/22/01.

IDAPA 35 - IDAHO STATE TAX COMMISSION 800 Park, Plaza IV, P.O. Box 36, Boise, ID 83722

Docket No. **35-0103-0103**, Property Tax Administrative Rules. Statutory changes require changing the Dollar Certification Form (L-2 Form) and exempt certain tangible personal property that is agricultural machinery, tools, and equipment used exclusively in agriculture; gives clarification and guidance to counties on how to report this exempted equipment for replacement money; implements requirements of House Bill 378, describing what tax charges are to be certified with 2000 property taxes levied, which tangible personal property is exempted, and to cross reference Property Tax Rule 803 on budget certification. Comment By: 8/22/01.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY 1410 N. Hilton, Boise, Idaho 83706-1255

Docket No. **58-0101-0002**, Rules for the Control of Air Pollution in Idaho. Establishes registration process and operating parameters and requirements for rock crushers that include best management practices for the control of fugitive dust, limitations on the hours of operation or fuel consumption rates for different sizes and types of generators, general provisions to ensure compliance with the National Ambient Air Quality Standards and other applicable requirements and specifies length of time equipment may be operating at a single location before additional requirements apply. Comment By: 9/7/01.

Docket No. **58-0101-0101**, Rules for the Control of Air Pollution in Idaho. Provides a mechanism for the State to respond to and provide notice of unhealthful levels of various criteria pollutants; establishes four stages corresponding to increasing levels of pollutants with progressively more stringent response requirements for each stage. Comment By: 9/7/01.

Docket No. **58-0102-0101**, Water Quality Standards and Wastewater Treatment Requirements. Establishes or revises use designations for several tributaries to the lower Boise River, and for Bucktail Creek, a small stream located in the Salmon River basin. Comment By: 9/24/01.

Docket No. **58-0102-0102**, Water Quality Standards and Wastewater Treatment Requirements. Designates aquatic life beneficial uses for portions of the South Fork Coeur d'Alene River (SFCDA) and establishes site-specific criteria to protect those uses for cadmium, lead, and zinc. Cold water aquatic life use designations are proposed for the SFCDA from Canyon Creek upstream to Daisy Gulch. Comment By: 9/24/01.

Docket No. **58-0102-0103**, Water Quality Standards and Wastewater Treatment Requirements. Changes further application of site-specific criteria and aquatic life use designations; makes revisions to ammonia criteria; makes minor changes regarding temperature, natural background, and variance procedures; puts time limits for schedules of compliance for point source discharges; makes clerical corrections. Comment By: 9/24/01.

Docket No. **58-0110-0101**, Rules Regulating the Disposal of Radioactive Materials Not Regulated Under the Atomic Energy Act of 1954, as Amended. Implements House Bill 192 which specifies radioactive materials or other radioactive material occurring naturally that may be disposed of at a commercial hazardous waste facility or site; establishes radiation protection standards for the disposal of radioactive materials not subject to regulation under the Atomic Energy Act of 1954, as amended (AEA). Comment By: 8/22/01.

PUBLIC HEARINGS – Public Hearings Have Been Scheduled For The Following Dockets:

Department of Agriculture

Docket No. **02-0418-0101**, Rules Governing CAFO Site Advisory Team

Department of Environmental Quality

Docket No. **58-0101-0002**, Rules for the Control of Air Pollution in Idaho.

Docket No. **58-0102-0101**, Water Quality Standards and Wastewater Treatment Requirements

Docket No. **58-0102-0102**, Water Quality Standards and Wastewater Treatment Requirements

Docket No. **58-0102-0103**, Water Quality Standards and Wastewater Treatment Requirements

Docket No. **58-0110-0101**, Rules Regulating the Disposal of Radioactive Materials Not Regulated Under the Atomic Energy Act of 1954, as Amended.

Please refer to the Idaho Administrative Bulletin, **August 1, 2001, Volume 01-8** for notices and text of all rulemakings, public hearing schedules, Governor's executive orders, and agency contact names.

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